

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BARBARA SCHULTZ,

Plaintiff,

**AFFIDAVIT**

-against-

MARTIN CHEN

17 CV 8917  
(RWS) (GWG)

Defendants.

-----X

STATE OF NEW YORK                    )  
  : SS.:  
COUNTY OF NEW YORK                )

BARBARA SCHULTZ, being duly sworn, deposes and says:

1. I am the plaintiff in the above-captioned action.
2. On December 4, 2016, I was a passenger sitting in the front passenger seat of a motor vehicle operated by my husband, K. Paul Schultz.
3. At approximately 5:00 p.m., my husband stopped our vehicle in front of 350 Central Park West between West 94<sup>th</sup> Street and West 95<sup>th</sup> Street to drop me off at a relative's apartment. After dropping me off, my husband intended to park the car in either an open spot on a side street or in a parking garage.
4. At that location, Central Park West is a two-way road with two lanes for travel and a third lane for parking in both the northbound and southbound directions. In light of the fact that there were vehicles in the southbound parking lane in front of 350 Central Park West, my husband stopped our vehicle in the rightmost lane for southbound travel.
5. My husband activated the vehicle's blinking rear lights as we approached the building.
6. My husband brought the vehicle to a stop in front of 350 Central Park West and did not turn off the blinking rear lights.

7. The vehicle remained in this position for approximately one to two minutes while my husband and I had a discussion concerning packages we had brought to our relative.

8. While our vehicle was stopped in traffic with the rear blinkers activated, it was struck in the rear by another vehicle, causing me to suffer physical injuries.

9. After the accident, the police arrived at the scene. The responding officers and my husband ascertained that the vehicle that struck ours was owned and operated by Martin Chen, the defendant herein.

WHEREFORE, I respectfully ask that this Court grant my motion for summary judgment on the issue of liability and for such further and other relief as deemed just and proper.

Dated: New York, New York  
December 13, 2017

  
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BARBARA SCHULTZ

Sworn to before me this  
13 day of December, 2017

  
\_\_\_\_\_  
NOTARY PUBLIC

DAVID SCHULTZ  
Notary Public, State of New York  
No. 02SC6003437  
Qualified in New York County  
Commission Expires March 2, 2018